

Appl. No. 10/775,593  
Amendment dated April 22, 2005  
Reply to Office action of November 17, 2004

- f) utilizing a thermally sensitive electronic element which changes junction voltage in response to varying temperature,
- g) utilizing a thermally sensitive heating element which changes resistance in response to varying temperature,
- h) utilizing an optical sensor which senses the optical radiation given off by said wipes.

#### REMARKS/ARGUMENTS

In response to the Notice of Non-Compliant Amendment issued on 04/18/2005, Applicant responds herewith with a nearly duplicate copy of the response previously provided on 4/12/05. The Notice required the newly submitted claims to be identified as New rather than newly presented.

In the office action of November 17, 2004, Examiner Pelham rejected claim 1 under 35 U.S.C. 102 citing U.S. Patent 5,210,396 to Sanders. Applicant has canceled claim 1 and added new claims 2-21 herein. It is noted that while Sanders disclosed a warmer for heating prefilled containers of baby wipes, the new claims are believed patentably distinguished over Sanders. For example, Sanders heats pre-packaged containers of wipes and "[t]he container heater ... includes integral heater coil elements connected to a thermostat member and then to a power supply member" (2, 24-28). By attaching the thermostat to the heater coil only the temperature of the coil is measured. Because the wipes are contained with the pre-packaged container the temperature of the wipes may be significantly different than the heater coil due to thermal resistance of the heater itself, the packaging material used for the wipes and the heat loss from the wipes via the upper portions of the heater device. The instant claims recite controlling the temperature of the wipes.

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Further, his power supply member Sanders suggests a conventional 110 VAC receptacle or a 12 VDC cigarette lighter source of a motor vehicle. While the use of a cigarette lighter does offer a small degree of portability confined to the vehicle, it does not provide complete portability, for example when taking a baby shopping in a mall, to a doctor's appointment, etc. Importantly Sanders does not suggest any renewable internal source of power.

In respect to the other art of record, the claims are believed to be patentably distinct. With respect to Page 5,738,082 as discussed in the instant disclosure, the warmer lacks a stiff opening and temperature control of the wipes or heating element and lacks the ability to reduce or turn off the heating element when it is not needed.

Warren 5,231,266 shows an apparently rigid warming vessel for wipes but like Sanders uses "household current or ... the cigarette lighter" and also suggests "another power source (2, 26-31)." There is no disclosure in Warren as to what the other power source might be. Warren teaches the use of "temperature control ... by a thermostat or by using a self limiting constant-temperature heating element" (2, 32-34) to provide "a more precise control over the temperature of the towelettes, but also acts as a safety mechanism to prevent overheating of the towelettes or the device itself" 2, 34-40). Warren also mentions that by using a watertight vessel it is possible to place the towelettes directly in the container without the pre-packaged plastic dispenser thus saving costs (2, 41-51). Warren suggests his invention "is suitable for home use in the bathroom, the bedroom or the nursery or outside the home in an automobile or other vehicle" (3, 33-40), however no mention is made of portable applications or energy sources.

Wheeler 5,906,763 shows a stylized heating device and an insulator which is removably attached to the heating device and covers the top of a container. The container may contain wiping cloths, towels and liquids. The container itself, and its details of construction, are not shown in

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detail. It is noted however that the heating element may be of the electrical type and may be disposed about the container (2, 7-14)

McConnell et al. 6,639,185 shows a baby wipe warmer with a heater disposed within the housing to provide heat to a tank assembly which holds a liquid. Vapors from the heated liquid flow to the container to warm and moisturize the baby wipes (Abstract). It is noted that McConnell was filed less than one year before the February 2003 filing date of the provisional application from which the instant application receives priority. Applicant reserves the right to swear behind McConnell et al., however applicant believes that the present claims are nevertheless patentably distinct with respect to McConnell et al.

McConnell et al's heating element "is disposed within the housing relative to the lower tank surface for the purpose of heating the liquid. The heating element may be located in various positions to achieve such purpose. For example, the heating element can be placed within the liquid compartment itself adjacent the lower tank surface to substantially extend thereabout. However, the heating element can also be placed outside the liquid compartment and still provide the requisite heat to the lower tank surface by being adjacent thereto. It is specifically contemplated herein that any types of heating element such as an electrically powered heating pad may be used" (2, 40-51). "Although the use of various heaters is contemplated, it is preferred that an electrically powered heating pad is utilized" (6,7-9). The electrical heating pad is plugged into an electrical outlet (7, 21-23). It is believed that the teachings of McConnell et al. teach away from the portable warmer utilizing stored energy taught and claimed in many claims of the present application.

In that the application is believed in form for allowance, further action in that respect is respectfully solicited.

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Respectfully Submitted,



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I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office, Fax No. (703) 872,9306 on April 22, 2005.



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